

## Introduction

- 1.1 Predecessors of this Committee have examined every Federal Election since 1983, encouraging public discussion on the conduct of elections and formulating recommendations for legislative and practical change. This chapter sets the scene for subsequent discussion of the 2004 Federal Election by outlining the key events and outcomes.

## The 2004 Federal Election

- 1.2 The 2004 Federal Election was announced on Sunday 29 August 2004. The writs were issued on the following Tuesday for the House of Representatives election and a half-Senate election.
- 1.3 The electoral rolls closed seven days later on 7 September 2004, with 423,993 enrolment transactions processed by the Australian Electoral Commission (AEC) during this period. Of these, 18.6 per cent (78,816) were new enrolments, bringing the total number of electors on the roll to 13,098,461.<sup>1</sup>
- 1.4 Nominations closed on 16 September 2004, with 1,091 candidates listed for the 150 House of Representatives seats. Candidates for the 40 vacant seats in the half-Senate election numbered 330.

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<sup>1</sup> Submission No 165, (AEC), p. 11.

**Table 1.1 The 2004 Federal Election timetable**

| <b>Event</b>  | <b>Date</b>           |
|---|-----------------------|
| Election announcement by Prime Minister and dissolution of House of Representatives | 29 August 2004        |
| Issue of writs  | 31 August 2004        |
| Close of rolls  | 7 September 2004      |
| Close of nominations  | 16 September 2004     |
| Pre-polling commences   | 20 September 2004     |
| <b>Polling day</b>  | <b>9 October 2004</b> |
| Return of writs   |                       |
| House of Representatives  | 11 November 2004      |
| Senate  | 1-11 November 2004    |
| First meeting of the 41 <sup>st</sup> Parliament                                    | 16 November 2004      |

Source AEC, *Behind the scenes*, 2005, p. 6.

- 1.5 Polling day was Saturday 9 October 2004. The time between the issue of the writs and polling day was 40 days, which is slightly longer than previous periods (which tend to be around 34 days long).

**Table 1.2 Time between issue of writs and polling day: 1993-2004**

|                | <b>1993</b> | <b>1996</b> | <b>1998</b> | <b>2001</b> | <b>2004</b> |
|----------------|-------------|-------------|-------------|-------------|-------------|
| Issue of writs | 8 Feb 93    | 29 Jan 96   | 31 Aug 98   | 8 Oct 01    | 31 Aug 04   |
| Polling day    | 13 Mar 93   | 2 Mar 96    | 3 Oct 98    | 10 Nov 01   | 9 Oct 04    |
| Total days     | 34 days     | 34 days     | 34 days     | 33 days     | 40 days     |

Source Submission No 205, (AEC), Attachment A

- 1.6 The significant feature of this date is that it fell within the school holiday period for Western Australia, South Australia, New South Wales and the Australian Capital Territory.

## **Voter turnout and the count**

- 1.7 A total of 12,420,019 votes were counted in the 2004 election. The large majority of voters cast ordinary votes at the 7,729 polling booth locations around the country (see Table 1.3 below for further details). Nearly 18% of voters, however, cast a declaration vote, 298,687 more than in the 2001 Federal Election (see Chapter 3 *Voting in the pre-election period*, below for further discussion about declaration voting).

**Table 1.3** Votes admitted to the count, numbers and % of total: 1998 - 2004

|               | Ordinary          | Pre-poll | Postal  | Absent  | Provisional | Declaration votes | Total votes       |
|---------------|-------------------|----------|---------|---------|-------------|-------------------|-------------------|
| <b>2004</b>   | <b>10,195,459</b> | 726,797  | 613,871 | 771,332 | 112,560     | <b>2,224,560</b>  | <b>12,420,019</b> |
| <i>%total</i> | <b>82.09</b>      | 5.85     | 4.94    | 6.21    | 0.91        | <b>17.91</b>      | <b>100.00</b>     |
| <b>2001</b>   | <b>10,172,617</b> | 585,616  | 451,900 | 780,961 | 107,396     | <b>1,925,873</b>  | <b>12,098,490</b> |
| <i>%total</i> | <b>84.08</b>      | 4.84     | 3.74    | 6.46    | 0.89        | <b>15.92</b>      | <b>100.00</b>     |
| <b>1998</b>   | <b>9,513,300</b>  | 692,377  | 488,671 | 776,859 | 116,158     | <b>2,074,065</b>  | <b>11,587,365</b> |
| <i>%total</i> | <b>82.10</b>      | 5.98     | 4.22    | 6.70    | 1.00        | <b>17.90</b>      | <b>100.00</b>     |

Source AEC, *Behind the scenes, 2005*, p.123; JSCEM, *The 2001 Federal Election, June 2003*, p.8. Note that the figures in this table refer to the number of Senate votes counted. The number of House of Representatives votes will be less than these figures.

1.8 The number of votes cast reflects a slight drop in voter turnout when compared with the 2001 Federal Election. Votes for both the House of Representatives and the Senate dropped by approximately 0.4-0.5 per cent.

**Table 1.4** Voter turnout at Federal Elections 1993-2004

| Voter turnout at the election | 1993   | 1996   | 1998   | 2001   | 2004   |
|-------------------------------|--------|--------|--------|--------|--------|
| House of Representatives      | 95.75% | 95.77% | 94.99% | 94.85% | 94.32% |
| Senate                        | 96.22% | 96.20% | 95.34% | 95.20% | 94.82% |

Source AEC, *Behind the scenes, 2005*, pp.110, 120; JSCEM, *The 2001 Federal Election, June 2003*, p. 6.

1.9 The informal vote for the 2004 Federal Election increased in the House of Representatives to 5.2 per cent, but dropped slightly in the Senate to 3.8 per cent. Table 1.5 illustrates the trend in informal voting over the past five Federal Elections.

**Table 1.5** Informal voting at Federal Elections: 1993-2004

| Voter turnout                                    | 1993 | 1996 | 1998 | 2001 | 2004 |
|--|------|------|------|------|------|
| % of informal voting in House of Representatives | 3.0  | 3.2  | 3.8  | 4.8  | 5.2  |
| % of informal voting in Senate                   | 2.6  | 3.5  | 3.2  | 3.9  | 3.8  |

Source AEC, *Behind the scenes, 2005*, pp.114, 120; JSCEM, *The 2001 Federal Election, June 2003*, p. 6.

## Composition of the 41<sup>st</sup> Parliament

1.10 The 2004 Federal Election resulted in the Coalition of the Liberal Party and The Nationals being returned to Government for a fourth term, with an increased majority in the House of Representatives. The Coalition won a total of 87 seats, with the Australian Labor Party winning 60 seats. Three independent candidates won the remaining seats. Tables 1.6 and 1.7 outline the changes in the party make-up of the House of Representatives from 2001 to 2004.

**Table 1.6 House of Representatives results, 2001 and 2004**

| Party                       | 2001      |                       |       | 2004      |                       |       |
|-----------------------------|-----------|-----------------------|-------|-----------|-----------------------|-------|
|                             | Seats Won | First Preference Vote | Swing | Seats Won | First Preference Vote | Swing |
|                             | %         |                       |       | %         |                       |       |
| Liberal Party               | 68        | 37.1                  | +3.19 | 74        | 40.5                  | +3.39 |
| National Party              | 13        | 5.6                   | +0.32 | 12        | 5.9                   | +0.28 |
| Country Liberal Party       | 1         | 0.3                   | 0.00  | 1         | 0.3                   | +0.02 |
| Australian Labor Party      | 65        | 37.8                  | -2.26 | 60        | 37.6                  | -0.20 |
| Australian Democrats        | -         | 5.4                   | +0.27 | -         | 1.2                   | -4.17 |
| Greens                      | -         | 5.0                   | +2.34 | -         | 7.2                   | +2.23 |
| Pauline Hanson's One Nation | -         | 4.3                   | -4.09 | -         | 1.2                   | -3.15 |
| Other                       | 3         | 9.5                   | +0.24 | 3         | 6.0                   | -3.5  |

Source AEC, *Behind the scenes*, 2005, p. 89; JSCEM, *The 2001 Federal Election*, June 2003, p. 9.

**Table 1.7 House of Representatives results, two-party preferred vote 2001 and 2004**

| State/Territory              | 2001     |       |             | 2004     |       |             |
|------------------------------|----------|-------|-------------|----------|-------|-------------|
|                              | Per cent |       | Swing       | Per cent |       | Swing       |
|                              | ALP      | LP/NP | %           | ALP      | LP/NP | %           |
| New South Wales              | 48.3     | 51.7  | 2.9 (LP/NP) | 48.1     | 51.9  | 0.2 (LP/NP) |
| Victoria                     | 52.1     | 47.9  | 1.4 (LP/NP) | 49.0     | 51.0  | 3.1 (LP/NP) |
| Queensland                   | 45.1     | 54.9  | 1.8 (LP/NP) | 42.9     | 57.1  | 2.2 (LP/NP) |
| South Australia              | 45.9     | 54.1  | 1.0 (LP/NP) | 45.6     | 54.4  | 0.3 (LP/NP) |
| Western Australia            | 48.4     | 51.6  | 1.1 (LP/NP) | 44.6     | 55.4  | 3.8 (LP/NP) |
| Tasmania                     | 57.7     | 42.3  | 0.4 (ALP)   | 54.2     | 45.8  | 3.5 (LP/NP) |
| Northern Territory           | 52.5     | 47.5  | 1.9 (ALP)   | 52.2     | 47.8  | 0.3 (LP/NP) |
| Australian Capital Territory | 61.1     | 38.9  | 1.4 (LP/NP) | 61.5     | 38.5  | 0.4 (ALP)   |
| Total                        | 49.0     | 51.0  | 1.8 (LP/NP) | 47.3     | 52.7  | 1.7 (LP/NP) |

Source AEC, *Behind the scenes*, 2005, p. 99; JSCEM, *The 2001 Federal Election*, June 2003, p. 9.

1.11 The Coalition also obtained, for the first time since 1981, a majority in the Senate. The Coalition now holds 39 of the 76 Senate seats, the ALP holds 27 seats, with the remaining nine seats divided between the Australian Greens (four seats), the Australian Democrats (four seats) and the Family First Party (one seat).

**Table 1.8 2004 Senate results and composition, seats by State**

| Party                  | State/Territory |          |          |          |          |          |          |          | Total     | Change from 2001 result | Total rep in full Senate | Change from 2001 composition |
|------------------------|-----------------|----------|----------|----------|----------|----------|----------|----------|-----------|-------------------------|--------------------------|------------------------------|
|                        | NSW             | VIC      | QLD      | WA       | SA       | TAS      | ACT      | NT       |           |                         |                          |                              |
| Liberal Party          | 2               | 2        | 3        | 3        | 3        | 3        | 1        | -        | 17        | 0                       | 33                       | +2                           |
| National Party         | 1               | 1        | 1        | -        | -        | -        | -        | -        | 3         | +1                      | 5                        | +2                           |
| Country Liberal Party  | -               | -        | -        | -        | -        | -        | -        | 1        | 1         | 0                       | 1                        | 0                            |
| Australian Labor Party | 3               | 2        | 2        | 2        | 3        | 2        | 1        | 1        | 16        | +3                      | 27                       | 0                            |
| Country Labor Party    | -               | -        | -        | -        | -        | -        | -        | -        | -         | -1                      | 1                        | 0                            |
| Australian Democrats   | -               | -        | -        | -        | -        | -        | -        | -        | -         | -4                      | 4                        | -3*                          |
| Greens                 | -               | -        | -        | 1        | -        | 1        | -        | -        | 2         | 0                       | 4                        | +2                           |
| Family First           | -               | 1        | -        | -        | -        | -        | -        | -        | 1         | +1                      | 1                        | +1                           |
| Other                  | -               | -        | -        | -        | -        | -        | -        | -        | -         | -                       | 0                        | -4**                         |
| <b>Total</b>           | <b>6</b>        | <b>6</b> | <b>6</b> | <b>6</b> | <b>6</b> | <b>6</b> | <b>2</b> | <b>2</b> | <b>40</b> |                         | <b>76</b>                |                              |

Source AEC, *Behind the Scenes*, 2005, pp.124-130; AEC, *Electoral Pocketbook*, 2005, p.108. See also [www.aec.gov.au/\\_content/When/elections/2001/representation.htm](http://www.aec.gov.au/_content/When/elections/2001/representation.htm); [www.aec.gov.au/\\_content/When/elections/2004/representation.htm](http://www.aec.gov.au/_content/When/elections/2004/representation.htm)

\* Senator Meg Lees left the democrats during 2002, and is included in other rather than Democrats.

\*\* This figure includes two independent Senators, a Senator representing Pauline Hanson's One Nation and Tasmanian Independent Senator Brian Harradine.

**Table 1.9 2004 Senate results, 2001 and 2004**

| Party                      | 2001           |              | 2004           |              |
|----------------------------|----------------|--------------|----------------|--------------|
|                            | Per cent votes | Swing        | Per cent votes | Swing        |
| Liberal/National Party     | 23.88          | +2.00        | 25.72          | +1.84        |
| Liberal Party              | 15.69          | +2.05        | 17.65          | +1.96        |
| National Party             | 1.92           | +0.06        | 1.37           | -0.55        |
| Country Liberal Party      | 0.35           | +0.03        | 0.35           | +0.00        |
| <i>Coalition Sub-total</i> | <i>41.83</i>   | <i>+4.13</i> | <i>45.09</i>   | <i>+3.26</i> |
| Australian Labor Party     | 34.32          | -2.98        | 35.02          | +0.70        |
| Australian Democrats       | 7.25           | -1.21        | 2.09           | -5.16        |
| Greens                     | 4.94           | +2.22        | 7.67           | +3.29        |

Source AEC, *Behind the scenes, 2005*, p. 120; JSCEM, *The 2001 Federal Election, June 2003*, p 10.

1.12 The 41<sup>st</sup> Parliament first met on 16 November 2004. If the Parliament runs for its maximum term it will expire on 15 November 2007, with the new House of Representatives election to be held, at the latest, by 19 January 2008. The next half-Senate election must be held between 1 July 2007 and 30 June 2008, with the earliest possible date for such an election being 4 August 2007. The latest possible date is 24 May 2008, to allow sufficient time for the Senate writs to be returned by 30 June 2008.<sup>2</sup>

## Election expenditure

1.13 Expenditure on the 2004 Federal Election, as at 30 April 2005, was \$75,338,711.89 plus \$41,926,158.91 for public funding of political parties and candidates.<sup>3</sup> The average cost per elector was \$5.79, excluding public funding. This figure continues a trend of increasing costs for Federal Elections (see Table 1.10 below).

2 Lundie, R., "Timetable for the Next Australian Elections", *DPL Research Note 4, 2005-2006*; [parlinfoweb.parl.net/parlinfo/Repository1/Library/PrsPub/AA7H60.pdf](http://parlinfoweb.parl.net/parlinfo/Repository1/Library/PrsPub/AA7H60.pdf).

3 AEC, *Behind the Scenes: 2005*, p. 55.

**Table 1.10 Comparative costs of expenditure on elections: 1993-2004**

|   | 1993       | 1996       | 1998       | 2001        | 2004        |
|---|------------|------------|------------|-------------|-------------|
|   | \$         | \$         | \$         | \$          | \$          |
| Average cost per elector (excl. public funding) |            |            |            |             |             |
| Actual cost                                     | 4.11       | 5.08       | 5.21       | 5.09        | 5.79        |
| Constant prices (Dec 2004 base)                 | 5.49       | 6.21       | 6.24       | 5.49        | 5.79        |
| Actual cost (incl. public funding payments)     | 64,049,500 | 91,407,000 | 95,657,857 | 105,830,037 | 117,264,870 |

Source AEC, *Behind the scenes*, 2005, p. 55; AEC, *Behind the scenes*, 2002, p. 60.

## Scope and conduct of the inquiry

- 1.14 On 2 December 2004 the Special Minister of State, Senator the Hon Eric Abetz, wrote to the Joint Standing Committee on Electoral Matters asking it to inquire into and report on all aspects of the conduct of the 2004 Federal Election and matters related thereto. The inquiry was advertised in all major newspapers and members of the public were invited to make submissions.
- 1.15 The Committee also wrote to all Members and Senators and Senators-elect; State Premiers, Territory Chief Ministers, and the Administrators of External Territories; the Australian Electoral Commissioner, State and Territory Electoral Commissioners; registered political parties<sup>4</sup>; and heads of university government and politics departments.
- 1.16 The Committee received 221 submissions to this inquiry from a variety of individuals and organisations. The submissions are listed at Appendix A. The Committee held eleven public hearings in Dalby, Longreach, Ingham, Brisbane, Tweed Heads, Melbourne, Adelaide, Perth, Canberra and Sydney, from April through to August 2005. A list of the hearings and witnesses is at Appendix C.

4 The Secretariat wrote to the National Secretariats/Divisions, and each of the State Head Offices, of the Australian Labor Party, the Liberal Party of Australia, the Nationals, the Australian Democrats, the Australian Greens, the Family First Party and Pauline Hanson's One Nation. These parties fielded 911 of the total 1,421 candidates (or 64%) contesting seats in both the House of Representatives and the Senate (AEC, *Behind the Scenes*, 2005, pp. 77-8).

- 1.17 The submissions and transcripts of evidence from the public hearings are available on the internet from:

[www.aph.gov.au/house/committee/em/elect04/index.htm](http://www.aph.gov.au/house/committee/em/elect04/index.htm)

## **Structure of the report**

- 1.18 The report's structure is primarily chronological in relation to the significant elements involved in the conduct of the 2004 Federal Election. Chapter two discusses issues associated with pre-election preparation, including enrolment and the electoral roll; chapter three outlines voting issues in the pre-election period; chapter four is concerned with the issues surrounding party registration; chapter five investigates processes on election day; and chapter six considers the counting of the votes (the 'scrutiny').
- 1.19 Chapters seven through thirteen cover various other matters relevant to the Australia's electoral system. These are:
- Parliamentary terms;
  - Voluntary and compulsory voting;
  - Voting systems;
  - Geographical challenges in the modern age;
  - Technology and the electoral system;
  - Campaigning in the new millennium; and
  - Public funding and disclosure.
- 1.20 The final chapter looks to the future and the role of education in maintaining a healthy democracy.